

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MUHAMMAD ANWAR,

Plaintiff,

-against-

MEMORANDUM & ORDER
15-CV-4493 (JS) (GRB)

CHRISTOPHER STEPHENS, d/b/a 7-ELEVEN,
and ATTAULLAH KHAN, an individual,

Defendants.

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APPEARANCES

For Plaintiff: Michael J. Borrelli, Esq.
Alexander T. Coleman, Esq.
Todd Dickerson, Esq.
Michael R. Minkoff, Esq.
Borrelli & Associates, P.L.L.C.
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Great Neck, NY 11021

For Defendants: Kyle T Pulis, Esq.
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One Suffolk Square Suite 240
Islandia, NY 11749

SEYBERT, District Judge:

Pending before the Court is Plaintiff Mohammed Anwar's ("Plaintiff") motion to dismiss (Docket Entry 14) and Magistrate Judge Gary R. Brown's Report and Recommendation ("R&R"), recommending that the Court grant Plaintiff's motion. (Docket Entry 24.) For the following reasons, the Court ADOPTS Judge Brown's R&R in its entirety.

BACKGROUND

Plaintiff commenced this action on July 31, 2015 against defendants Christopher Stevens, d/b/a 7-ELEVEN, and Attaullah Kahn

("Defendants"), alleging violations of the Fair Labor Standards Act and the New York Labor Law. On October 26, 2015, Defendants filed an Answer, which included counterclaims for breach of contract and unjust enrichment. (Answer, Docket Entry 12.)

On November 16, 2015, Plaintiff filed the pending motion to dismiss Defendants' counterclaims, (Docket Entry 14), and on January 22, 2016, the undersigned referred Plaintiff's motion to Judge Brown for an R&R on whether the motion should be granted. (Docket Entry 21.) On August 3, 2016, Judge Brown issued his R&R, which recommends that the Court grant Plaintiff's motion. (R&R at 7.)

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Brown's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

For the foregoing reasons, Judge Brown's R&R (Docket Entry 24) is ADOPTED in its entirety and Plaintiff's motion to dismiss Defendants' two counterclaims (Docket Entry 14) is GRANTED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: August 24, 2016
Central Islip, New York